

UNITED STATES DISTRICT COURT

for the
Western District of Texas

FILED

JUN 20 2012

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Case No.

BY mm
DEPUTY CLERK

12-3117 RPM

United States of America

v.

Edgar LOPEZ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 29, 2012 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. 1324 (a)(1)(A)(iv) and
(a)(1)(B)(ii)encourage and induce an alien to come to, enter, and reside in the United States,
knowing and in reckless disregard of the fact that such coming to, entry and
residence is and will be in violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Nestor Canales

HSI Special Agent / BEST

Sworn to before me and signed in my presence.

Date: June 20, 2012City and state: El Paso, Texas

Judge's signature

Richard P. Mesa

U.S. Magistrate Judge

AFFIDAVIT

On May 29, 2012, a male imposter (Material Witness 1) was arrested by Customs and Border Protection Officers at the Bridge of the Americas (BOTA) Port of Entry in El Paso, Texas attempting to use a document not belonging to him. Border Enforcement Security Task Force (BEST) Agents were notified and responded to the BOTA Port of Entry. BEST Agents advised Material Witness 1 of his Miranda Warnings, which he subsequently waived and agreed to answer Agents' questions without the presence of an attorney. During the interview of Material Witness 1, he identified Edgar LOPEZ through a photo lineup as the person who was guiding him into the United States. Material Witness 1 further stated that LOPEZ instructed him not get nervous and to follow him when crossing into the Port of Entry.

On June 20, 2012, LOPEZ was encountered at the Paso del Norte Port of Entry by Customs and Border Protection Officers. Based on Material Witness 1's identification of LOPEZ as the alien smuggler who guided him into the United States, LOPEZ was detained by Customs and Border Protection Officers. BEST Agents were then notified and responded to the PDN Port of Entry to take custody of LOPEZ. LOPEZ was arrested by BEST Agents and transported to the HSI Boeing Office for further investigation. BEST Agents advised LOPEZ of his Miranda Warnings, which he subsequently invoked and refused to answer Agents' questions without the presence of an attorney. All questions ceased at that point.